

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**MICHELLE LANE, ET AL.,**

**Plaintiffs,**

**v.**

**Case No. 1:11CV503**

**ERIC HOLDER, ET AL.,**

**Defendants.**

**CONSENT MOTION TO EXTEND TIME TO  
FILE RESPONSIVE PLEADINGS, INCLUDING  
MOTION PURSUANT TO FED. R. CIV. P. 12 OR 56**

NOW COMES Defendant W. Steven Flaherty (“Flaherty”), by counsel, pursuant to Rule 6, Fed. R. Civ. P., and respectfully moves this Court to extend the time in which this Defendant must file responsive pleadings, including any motion pursuant to Fed. R. Civ. P. 12 or 56, in this matter. In support of said motion, the Defendant states as follows:

- 1) Plaintiffs filed this action complaining of federal and Virginia state laws which prohibit the sale of handguns to out-of-state residents.
- 2) The Complaint contains four separate counts that include alleged violations of Plaintiffs’ constitutional rights under the Second and Fourteenth Amendments to the Constitution of the United States, and seeks declaratory and injunctive relief.
- 3) Plaintiffs served both of the named Defendants. Based on the dates of service, responsive pleadings are due as follows: June 1, 2011 (Flaherty), and July 11, 2011 (Holder).
- 4) Due to the complexity of the legal issues presented and the length of time needed to adequately prepare responsive pleadings and any motion pursuant to Fed. R. Civ. P. 12 or 56,

Defendant Flaherty respectfully submits that additional time to respond is necessary and will assist the Court in resolving the issues presented by the Complaint.

5) Accordingly, Flaherty respectfully requests that the deadline for filing responsive pleadings, including any motion pursuant to Fed. R. Civ. P. 12 or 56, be extended to July 11, 2011, the date on which Defendant Holder is due to respond.

6) Counsel for the Plaintiffs and counsel for Defendant Holder consent to this motion.

7) A hearing on this consent motion is hereby waived.

8) A proposed order is attached to this consent motion.

WHEREFORE, Defendant W. Steven Flaherty, by counsel, and pursuant to Rule 6, Fed. R. Civ. P., respectfully moves this Court to extend the time in which he must file responsive pleadings, including any motion pursuant to Fed. R. Civ. P. 12 or 56, in this matter to July 11, 2011.

Respectfully submitted,

W. STEVEN FLAHERTY,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of May 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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